

FILED

JUL 06 2000

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

**MICHAEL DEAN GONZALES,**  
**Petitioner**

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v.

**MO-99-CA-072**

**GARY L. JOHNSON, Director,**  
**Texas Department of Criminal Justice,**  
**Institutional Division,**  
**Respondent**

**ORDER GRANTING JOINT MOTION FOR SCHEDULING ORDER  
AND EXTENSION OF TIME**

BEFORE THIS COURT is the Joint Motion for Scheduling Order and Extension of Time ("Joint Motion") filed by both Parties in this Title 28 U.S.C. § 2254 action.

By way of background, on January 10, 2000, Petitioner filed his Application for Writ of Habeas Corpus ("Writ") pursuant to 28 U.S.C. § 2254 challenging his State of Texas capital conviction and death sentence. On June 5, 2000, the United States Supreme Court vacated a Texas capital judgment based on the Texas Attorney General's confession of error. *See Saldano v. Texas*, 2000 WL 157271 (U.S. June 5, 2000). Shortly thereafter, the Texas Attorney General publicized a list of cases where the alleged error was committed and that list included Petitioner's case. On July 3, 2000, Petitioner and Respondent filed the instant Joint Motion asking the Court to set a scheduling order in light of *Saldano* and to provide each party an extension of time to address the merits of the *Saldano* claim. More specifically, Petitioner seeks a forty-five (45) day extension of time, until August 11, 2000, to amend his Writ and Respondent seeks a forty-five (45) day extension of time from the filing of the Amended Writ, until September 25, 2000, to respond to the merits of the claim. After due consideration of said Joint Motion and other relevant pleadings on file, the Court shall

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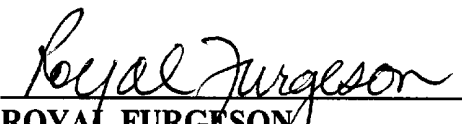
grant the Joint Motion for Scheduling Order and Extension of Time.

Accordingly, **IT IS HEREBY ORDERED** that the Joint Motion for Scheduling Order and Extension of Time is **GRANTED**.

**IT IS FURTHER ORDERED** that Petitioner shall have until August 11, 2000, to file his Amended Application for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254.

**IT IS FURTHER ORDERED** that Respondent shall have until September 25, 2000, to respond to Petitioner's Amended Application for Writ of Habeas Corpus filed pursuant to Title 28 U.S.C. § 2254.

Signed on this 6<sup>th</sup> day of **July 2000**.

  
**ROYAL FURGESON**  
United States District Judge  
Western District of Texas